

Patrick G. Byrne, Esq.  
Nevada Bar No. 7636  
Alex L. Fugazzi, Esq.  
Nevada Bar No. 9022  
Justin L. Carley, Esq.  
Nevada Bar No. 9994  
SNELL & WILMER L.L.P.  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169  
Telephone (702) 784-5200  
Attorneys for Defendant  
*Trump Ruffin Tower I LLC*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

WILLIAM SPRADLIN and SHIRLEY  
SPRADLIN; EMMA ODUCA; SALLY  
KIM; ELLIOT SPRUNG and DAVID  
SPRUNG; TDF PROPERTIES, LLC; and  
KUNIKO ISHIDA; individually and on  
behalf of all persons similarly situated,

Plaintiffs,

vs.

TRUMP RUFFIN TOWER I LLC, a  
Delaware Limited Liability Company; and  
DOES 1 through 100, inclusive,

Trump.

CASE NO. \_\_\_\_\_

**NOTICE OF REMOVAL**

TO: William Spradlin, Shirley Spradlin, Emma Oduca, Sally Kim, Elliot Sprung, David Sprung, TDF Properties, LLC and Kuniko Ishida; and

TO: Their attorneys of record.

PLEASE TAKE NOTICE that defendant Trump Ruffin Tower I LLC ("Trump") hereby removes the state action entitled "William Spradlin and Shirley Spradlin; Emma Oduca; Sally Kim; Elliot Sprung and David Sprung; TDF Properties, LLC, and Kuniko Ishida; individually and on behalf of all persons similarly situated v. Trump Ruffin Tower I, LLC, a Delaware Limited Liability Company; and DOES 1 through 100, inclusive," Case No. A572059, filed in the Eighth Judicial District Court for the State of Nevada in and for the County of Clark, to this Court. The

1 removal is based on 28 U.S.C. §§ 1332(d)(1), 1441, 1446, and 1453(b). In support of this Notice,  
 2 Trump states as follows:

3 1. On September 22, 2008, Plaintiffs William Spradlin, Shirley Spradlin, Emma  
 4 Oduca, Sally Kim, Elliot Sprung, David Sprung, TDF Properties, LLC, and Kuniko Ishida  
 5 (“Plaintiffs”) filed a Class Action Complaint in the Eighth Judicial District Court for Clark  
 6 County, Nevada, on behalf of “hundreds of Class Members.” *See* Complaint, attached as Exhibit  
 7 A, at ¶ 37(a). Plaintiffs allege they were fraudulently induced into purchasing the “air rights” to  
 8 condominium-hotel room units “as investment securities at the Trump International Hotel &  
 9 Tower, Las Vegas.” *Id.* at ¶ 1. Plaintiffs seek, *inter alia*, damages, rescission of the purchase and  
 10 sale agreements they signed, civil penalties, and restitution “of the consideration paid” for the  
 11 hotel condominium units. *Id.* at ¶¶ 10, 56-57, 65-66, and Prayer for Relief ¶¶ 1-13.

12 2. This Court has original jurisdiction over this proposed class action under 28  
 13 U.S.C. § 1332(d), the Class Action Fairness Act of 2005 (“CAFA”), because plaintiffs have filed  
 14 a civil action under the state equivalent of “rule 23 of the Federal Rules of Civil Procedure,”  
 15 1332(d)(1)(B), in which: (a) the number of plaintiffs in the putative class is more than 100; (b) the  
 16 matter in controversy exceeds the aggregate sum of \$5,000,000; (c) there is minimal diversity  
 17 between Plaintiffs and defendant Trump; and (d) Trump is not a governmental entity. *See* 28  
 18 U.S.C. § 1332(d)(2),(5)(A)-(B),(8); *Serano v. 180 Connect, Inc.*, 478 F.3d 1018, 1021 (9th Cir.  
 19 2007) (discussing the jurisdictional requirements of 28 U.S.C. § 1332(d)). Specifically:

20 3. Plaintiffs estimate that there are “*hundreds* of Class Members, geographically  
 21 spread out throughout the United States.” *See* Complaint at ¶ 37(a) (emphasis added). The  
 22 proposed class consists of Plaintiffs and all individuals who made a deposit to purchase one or  
 23 more of the hotel condominium units in the Trump International Hotel & Towers. *Id.* at ¶ 36.

24 4. Plaintiffs seek to certify a class under Nevada Rule of Civil Procedure 23, the  
 25  
 26  
 27  
 28

1 state equivalent of Federal Rule of Civil Procedure 23.<sup>1</sup> *Id.*

2 5. At least one plaintiff is diverse from one defendant as required under 28 U.S.C. §  
3 1332(d)(2)(A). For example, Plaintiffs allege that Plaintiff Elliott Sprung is a Florida citizen, that  
4 plaintiff Emma Oduca is a California citizen, and that Plaintiff Sally Kim is an Illinois citizen. *Id.*  
5 at ¶¶ 14-16. Trump is, and was at the time this action was commenced, a Delaware limited  
6 liability company, with its principal place of business in Las Vegas, Nevada. Does 1 through 100  
7 are named and sued fictitiously, and as a matter of law, their citizenship is disregarded for  
8 purposes of removal on grounds of diversity jurisdiction. 28 U.S.C. § 1441(a).

10 6. The matter in controversy exceeds the aggregate sum of \$5,000,000.00 exclusive  
11 of interest and costs, because the estimated “hundreds of Class Members” seek damages “in  
12 excess of \$50,000 *per plaintiff*.” *See* Complaint at Caption and ¶ 33 (emphasis added). Plaintiffs  
13 seek rescission of their contracts and restitution of their down payments, which range from  
14 \$113,000.00 to one \$156,000.00 per hotel condominium unit. *Id.* at ¶¶ 27-32. In addition,  
15 Plaintiffs seek civil penalties under NRS 90.640 “of not more than \$2,500 for a single violation or  
16 \$100,000 for multiple violations.” *Id.* at ¶ 57 and Prayer for Relief ¶ 5, and punitive damages,  
17 Prayer for Relief ¶ 6. Plaintiffs also seek damages for each Plaintiff who no longer owns the  
18 Securities in the amount that would be recoverable upon a tender less the value of the Securities  
19 when the Plaintiff disposed of it, plus legal interest at the legal rate of this State from the date of  
20 disposition of the Securities, costs and reasonable attorney’s fees. *Id.* at Prayer for Relief ¶ 13.

23 7. Venue is appropriate in the unofficial Southern Division of this Court under 28  
24 U.S.C. §§ 1391(b), 1441(a), and 1446(a), and LR IA 6-1. This action was originally filed in the  
25 Eighth Judicial District Court for the State of Nevada, Clark County.

27  
28 <sup>1</sup> Trump does not acknowledge that Plaintiffs have properly pled a class action complaint or  
that the action is properly maintained as a class action.

1           8.       Trump was served with a copy of Plaintiffs' Summons and Class Action  
2 Complaint on or about September 29, 2008. *See* Summons, attached as Exhibit B. This Notice is  
3 therefore timely filed within thirty days of service, as required by 28 U.S.C. §§ 1446(b).

4           9.       Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served  
5 on Defendants are attached hereto as follows:  
6

7                   a.   Class Action Complaint, Exhibit A; and

8                   b.   Summons, Exhibit B.

9           10.     In compliance with 28 U.S.C. § 1446(d), Trump is filing a copy of this Notice of  
10 Removal with the Clerk of the Eighth Judicial District Court, Clark County, Nevada.  
11

12       Dated: October 20, 2008.

SNELL & WILMER L.L.P.

13  
14                   By:   /s/ Justin L. Carley

Patrick G. Byrne, Esq.

Nevada Bar No. 7636

Alex L. Fugazzi, Esq.

Nevada Bar No. 9022

Justin L. Carley, Esq.

Nevada Bar No. 9994

3883 Howard Hughes Parkway, Suite 1100

Las Vegas, NV 89169

Telephone: (702) 784-5200

Facsimile (702) 784-5252

Attorneys for Defendant

Trump Ruffin Tower I LLC  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

As an employee of Snell & Wilmer L.L.P., and I certify that I served a copy of the foregoing  
**NOTICE OF REMOVAL** on the 20<sup>th</sup> day of October, 2008 by U.S. Mail, postage prepaid, to the  
following at their last known address:

**Attorneys of Record for Plaintiffs:**

Robert D. Gerard, Esq.  
Ricardo R. Ehmann, Esq.  
GERARD & ASSOCIATES  
2840 South Jones Boulevard  
Building D, Suite #4  
Las Vegas, Nevada 89146  
Telephone: (702) 251-0093  
Facsimile: (702) 251-0094

Kyle Nordrehaug, Esq.  
California State Bar No. 205975  
BLUMENTHAL & NORDREHAUG  
2255 Calle Clara  
La Jolla, California 92037  
Telephone: (858) 551-1223  
Facsimile: (858) 551-1232

Burton Wiand, Esq.  
Florida State Bar No. 407690  
FOWLER WHITE BOGGS BANKER, P.A.  
501 East Kennedy Blvd.  
Tampa, Florida 33602  
Telephone: (813) 228-7411  
Facsimile: (813) 229-8313

Jared H. Beck, Esq.  
Florida State Bar No. 20695  
Elizabeth Beck, Esq.  
Florida State Bar No. 20697  
BECK & LEE  
Courthouse Plaza Building  
28 West Flagler Street, Suite 555  
Miami, Florida 33130  
Telephone: (305) 789-0072  
Facsimile: (786) 206-2447

/s/ Jeanne Forrest

An Employee of Snell & Wilmer L.L.P.

9198082.1

Snell & Wilmer

L.L.P.  
LAW OFFICES  
3883 HOWARD HUGHES PARKWAY, SUITE 1100  
LAS VEGAS, NEVADA 89169  
(702) 784-5200